

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 16, 2004**

**DIVISION ONE**

7-16-04

123741-04

The **HONORABLE STEVEN C. SUZUKAWA**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

**October 22, 2004 To December 22, 2004**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 13, 2004

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

July 16, 2004 (Continued)

## DIVISION ONE (Continued)

7-16-04

123730-04

The **HONORABLE J. GARY HASTINGS**, Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

## July 20, 2004 To July 21, 2004

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 14, 2004

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION TWO

B167863 People (Not for Publication)  
v.  
Lezama

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

July 16, 2004 (Continued)

## DIVISION TWO (Continued)

B174229      Jeffries  
v.  
Nielsen, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed March 19, 2004) dismissed.

DIVISION THREE

B168521 People (Not for Publication)  
v.  
Perez

The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting conviction by jury. And so modified, the judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B168096 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that in count four Garcia was convicted of assault by means of force likely to produce great bodily injury in violation of Penal Code section 245, subdivision (a)(1).

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

July 16, 2004 (Continued)

DIVISION THREE (Continued)

B164512     People  
              v.  
              Flores, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B174846 Keith M. et al. v. S.C.L.A. (DCFS)  
B166705 People v. Campos

Argument waived, cause submitted.

B169671     Shoyinka  
              v.  
              City of Santa Monica

Merits:  
Argued by Tiwalola Shoyinka appellant in propria persona and by Debra S. Kanoff for respondent. Cause submitted.

B169671     Huffman  
              v.  
              Gutierrez

Merits:  
Argued by Jose Mariano Castillo for appellant and by Richard D. Cleary for respondent. Cause submitted.

DIVISION FOUR (Continued)

B163346 Harmer et al.  
v.  
Reynaud

Merits:  
Argued by Paul Hittelman for appellant and by Akram A. Awad for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B167468 People v. Lawson  
B172287 DCFS v. Nerissa H. et al.

Argument waived, cause submitted.

B169815 People  
v.  
Mallory

Merits:  
Argued by Lynette Gladd Moore for appellant and by Louis W. Karlin for respondent. Cause submitted.

B162883 People  
v.  
Perez et al.

Merits:  
Argued by Gary V. Crooks for appellant Perez, by Douglas G. Benedon for appellant Munns, by Sheila Anne Tuller Keiter for appellant Clark and by Suzann E. Papagoda for respondent. Cause submitted.

July 16, 2004 (Continued)

## DIVISION FOUR (Continued)

B169516      Johnson and Lumpkin  
v.  
Capital One Bank

Merits:  
Argued by Barry Kramer for appellants and by James McGwire for respondent. Cause submitted.

Court Adjourned.

## DIVISION FIVE

B166858      Diane Carman      (Not for Publication)  
v.  
Muller Hood Pontiac

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

I concur: Armstrong, J.  
I dissent: Grignon, Acting P.J. (Opinion)

DIVISION SIX

(Nor for Publication)

B174516 Santa Barbara Co. Child Protective Services  
v.  
Linda B.

The petition for extraordinary writ is denied.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

## DIVISION EIGHT

B163112      Ewing et al.      (Certified for Publication)  
v.  
Goldstein, Ph.D,

The judgment is reversed. Costs are awarded to the Ewings.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B167064      People      (Certified for Publication)  
v.  
Daniel G.,  
In re Daniel G., a Person Coming Under the Juvenile c

For the reasons set forth above, the order adjudging minor to be a ward of the court based on his possession of an assault weapon (Pen. Code, & 12280, subd. (b)), is affirmed. The order adjudging minor to be a ward of the court for committing gang loitering (L.A. County Code, & 13.44.010) is reversed. Because the court made a combined disposition order based on the weapons possession and loitering petitions, the matter is remanded to the juvenile court with directions to hold a new disposition hearing, which shall be based solely on the assault weapons possession petition.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B166794      Hermans      (Not for Publication)  
v.  
Aviation Equipment, Inc.

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

July 16, 2004 (Continued)

DIVISION EIGHT (Continued)

B171741     Berg

v.

Darden, D.D.S.

Filed order modifying opinion. (No change in the judgment)